

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

DAVID SAMBRANO, individually and on  
behalf of all others similarly situated, *et al.*,

*Plaintiffs,*

v.

UNITED AIRLINES, INC.,

*Defendant.*

Civil Action No.: 4:21-01074-P

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME**

Plaintiffs respectfully request a twenty-day extension of their deadline to file their reply in support of motion for provisional class certification. That reply is currently due by December 21, 2021, and Plaintiffs request that the Court extend that deadline to January 10, 2022. As explained below, this extension will allow the Plaintiffs to conserve resources and devote sufficient time to the expedited appeal in the U.S. Court of Appeals for the Fifth Circuit, where the Court has scheduled oral argument for January 3, 2022.

Plaintiffs have conferred with United about this request, and United provided the following position:

United is not opposed to a reasonable extension so long as plaintiffs do in fact file a reply on the pending motion and do not simply withdraw that motion. United takes no position on whether a three-week extension is reasonable under the circumstances.

As Plaintiffs' counsel explained to United's counsel, Plaintiffs do not currently have any plans to withdraw their class certification motion. But Plaintiffs reserve the right to do so if they determine that it is necessary and appropriate. With that said, there is good cause for the Court to grant a

brief extension of time for Plaintiffs to file their reply in support of motion for provisional class certification.

Plaintiffs filed their motion for provisional class certification on November 1, 2021. ECF No. 101. Shortly thereafter, United proposed extending its response deadline to December 7, 2021. Plaintiffs consented to that request and the Parties jointly moved for an extension of the briefing deadlines until after the Court resolved Plaintiffs' motion for reconsideration. ECF No. 107. The Court granted that motion and United filed its opposition to Plaintiffs' motion for provisional class certification on December 7, 2021. ECF No. 129. Plaintiffs' reply is thus due by December 21, 2021, which falls in the middle of the current expedited briefing schedule in the Fifth Circuit.

At this Court's invitation, Plaintiffs recently appealed this Court's denial of the motion for preliminary injunction to the Fifth Circuit. ECF No. 115 ("[T]he Court looks forward to ... guidance from the Fifth Circuit."). Plaintiffs also filed an emergency motion for injunction pending appeal and for expedited appeal. On December 13, 2021, the Fifth Circuit denied the motion for injunction pending appeal but granted the motion for expedited appeal. Since then, the Fifth Circuit scheduled oral argument on January 3, 2021, and Plaintiffs' opening brief is due by December 20, 2021, and their reply brief is due by December 30, 2021.

If Plaintiffs are required also to prepare and file their reply in support of their motion for class certification by December 21, 2021, it will substantially affect their ability to devote sufficient time and resources to their Fifth Circuit appeal. In contrast, a brief extension of the reply deadline will not prejudice United or otherwise have a negative impact on the proceedings in this Court. Indeed, except for Plaintiffs' class certification reply, this Court has stayed all proceedings in this action pending resolution of the ongoing appeal. ECF No. 128. Thus, extending Plaintiffs' reply deadline to January 10, 2021, will not cause any undue delay.

In addition to the impact on the Fifth Circuit proceedings, Plaintiffs' counsel also have several other competing deadlines in other district and appellate courts across the country for which a brief extension is warranted. Further, good cause exists for this brief extension due to the many family obligations counsel have over the upcoming holidays.

For the foregoing reasons, Plaintiffs respectfully request that the Court extend until January 10, 2022, their deadline to file a reply in support of motion for provisional class certification.

December 16, 2021

Respectfully submitted,

/s/ John C. Sullivan

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**CERTIFICATE OF SERVICE**

On December 16, 2021, I filed the foregoing document with the clerk of court for the United States District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rule of Civil Procedure 5(b)(2) (ECF System).

/s/ Brian J. Field  
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